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U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

2007 DEC -3 AM 10:26  
TX EASTERN-MARSHALL

BY

KLAUSNER TECHNOLOGIES, INC.,  
a New York corporation,

Plaintiff,

vs.

Apple Inc., a California corporation; AT&T Corp., a New York corporation; AT&T Mobility LLC, a Delaware limited liability company; Comcast Corporation, a Pennsylvania corporation; CSC Holdings, Inc., a Delaware corporation; eBay Inc., a Delaware corporation; GotVoice, Inc., a Washington corporation; Simulscribe, LLC, a Delaware limited liability company;

Defendants.

CASE NO 2 - 07 C V - 525

**Complaint for Patent Infringement  
(U.S. Patent Nos. 5,572,576 and  
5,283,818);**

**Demand for Jury Trial.**

Plaintiff Klausner Technologies, Inc (“Klausner Technologies”) sues Defendants Apple Inc., AT&T Corp., AT&T Mobility LLC, Comcast Corporation, CSC Holdings, Inc., eBay Inc., GotVoice, Inc., and Simulscribe, LLC (“Defendants”) and on information and belief, alleges as follows:

**Introduction**

1. Plaintiff Klausner Technologies owns the invention described and claimed in United States Patent Nos. 5,572,576 entitled “Telephone Answering Device Linking Displayed Data with Recorded Audio Message” (the “576 Patent”) and 5,283,818 entitled “Telephone Answering Device Linking Displayed Data with Recorded Audio Message” (the “818 Patent”). Defendants (a) have used and continued to use Plaintiff’s patented technology in products that they make, use, sell, and offer to sell, without Plaintiff’s permission, and (b) have

contributed to or induced, and continue to contribute to or induce, others to infringe the '576 and '818 Patents. Plaintiff Klausner Technologies seeks damages for patent infringements and an injunction preventing Defendants from making, using, selling, or offering to sell, and from contributing to and inducing others to make, use, sell, or offer to sell, Plaintiff's patented technology without permission.

**Jurisdiction and Venue**

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271 and 281, et seq. The Court has original jurisdiction over this patent infringement action under 28 U.S.C. §§ 1338(a).

3. Venue is proper in this Court because the Defendants are responsible for acts of infringement occurring in the Eastern District of Texas as alleged in this Complaint, and have delivered or caused to be delivered its infringing products in the Eastern District of Texas

**Plaintiff Klausner Technologies**

4. Plaintiff Klausner Technologies, Inc is a corporation existing under and by virtue of the laws of the State of New York.

**The '576 Patent**

5. The United States Patent and Trademark Office issued the '576 Patent on November 5, 1996. A copy of the '576 Patent is attached as Exhibit A. Through assignment, Plaintiff is the owner of all right, title, and interest, including rights for damages for past infringements, in the '576 Patent.

**The '818 Patent**

6. The United States Patent and Trademark Office issued the '818 Patent on February 1, 1994. A copy of the '818 Patent is attached as Exhibit B. Through assignment,

Plaintiff is the owner of all right, title, and interest, including rights for damages for past infringements, in the '818 Patent

**Defendants**

**Apple**

7. On information and belief, defendant Apple Inc ("Apple") is a corporation organized and existing under the laws of the State of California, with its principal place of business at 1 Infinite Loop, Cupertino, CA 95014.

**AT&T**

8. On information and belief, defendant AT&T Corp. ("AT&T") is a corporation organized and existing under the laws of the State of New York, with its principal place of business at One AT&T Way RM 4A235, Bedminster, NJ 07921

9. On Information and belief, defendant AT&T Mobility LLC ("AT&T Mobility") is a wholly owned subsidiary of AT&T Inc., and is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business at 5565 Glenridge Connector, Suite 510, Atlanta, GA 30342.

**Cablevision**

10. On information and belief, defendant CSC Holdings, Inc. ("Cablevision") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 1111 Stewart Ave, Bethpage, NY 11714.

**Comcast**

11. On information and belief, defendant Comcast Corporation ("Comcast") is a corporation organized and existing under the laws of the State of Pennsylvania, with its principal place of business at 1500 Market Street, Philadelphia, PA 19102

**eBay**

12. On information and belief, defendant eBay Inc. ("eBay") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 2145 Hamilton Ave, San Jose, CA 95125.

*GotVoice*

13. On information and belief, defendant GotVoice, Inc. ("GotVoice") is a corporation organized and existing under the laws of the State of Washington, with its principal place of business at 1801 West Bay Drive NW, Ste 206, Olympia, WA 98502.

*Simulscribe*

14. On information and belief, defendant Simulscribe, LLC ("Simulscribe") is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business at 110 E. 59<sup>th</sup> Street, New York, New York 10022

**First Claim for Patent Infringement ('576 Patent)**

**Against All Defendants**

15. Plaintiff incorporates by reference each of the allegations in paragraphs 1 - 14 above.

16. On or about November 5, 1996, the '576 Patent, disclosing and claiming a "Telephone Answering Service Linking Displayed Data with Recorded Audio Message," was duly and legally issued by the United States Patent and Trademark Office

17. Plaintiff Klausner Technologies is the owner of the '576 Patent with full rights to pursue recovery of royalties or damages for infringement of such patent, including full rights to recover past and future damages.

18. Defendants have infringed, contributed to the infringement, and induced others to infringe the '576 Patent and, unless enjoined, will continue to infringe the '576 Patent by manufacturing, using, selling, offering for sale, or by using the method(s) claimed in the Patent or by contributing to or inducing others to make, use, sell, or offer to sell, the claimed invention or use the claimed methods(s) without a license or permission from Plaintiff.

19. Plaintiff has been damaged by Defendants' infringement of the '576 Patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the '576 Patent.

20. Upon information and belief, Defendants' acts of infringement have been, and continue to be committed with full knowledge of Plaintiff's rights in the '576 Patent, and in willful and wanton disregard of Plaintiff's rights, rendering this an exceptional case under 35 U.S.C. § 285.

**Second Claim for Patent Infringement ("818 Patent")**

**Against Defendants Apple, AT&T Mobility, and GotVoice**

21 Plaintiff incorporates by reference each of the allegations in paragraphs 1 - 14 above.

22. On or about February 1, 1994, the '818 Patent, disclosing and claiming a "Telephone Answering Service Linking Displayed Data with Recorded Audio Message," was duly and legally issued by the United States Patent and Trademark Office.

23. Plaintiff Klausner Technologies is the owner of the '818 Patent with full rights to pursue recovery of royalties or damages for infringement of such patent, including full rights to recover past and future damages.

24. Defendants Apple, AT&T Mobility, and GotVoice have infringed, contributed to the infringement, and induced others to infringe the '818 Patent and, unless enjoined, will continue to infringe the '818 Patent by manufacturing, using, selling, offering for sale, or by using the method(s) claimed in the Patent or by contributing to or inducing others to make, use, sell, or offer to sell, the claimed invention or use the claimed methods(s) without a license or permission from Plaintiff

25. Plaintiff has been damaged by Defendants' infringement of the '818 Patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the '818 Patent.

26. Upon information and belief, Defendants' acts of infringement have been, and continue to be committed with full knowledge of Plaintiff's rights in the '818 Patent, and in willful and wanton disregard of Plaintiff's rights, rendering this an exceptional case under 35 U.S.C. § 285.

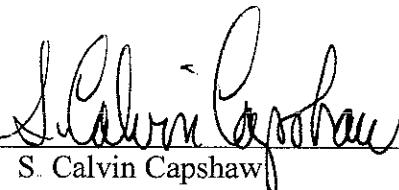
27 Plaintiff demands trial by jury of all issues

WHEREFORE, Plaintiff prays for judgment as follows:

- A. A decree preliminarily and permanently enjoining Defendants, their officers, directors, employees, agents, and all persons in active concert with them, from infringing, and contributing to or inducing others to infringe, the '576 and '818 Patents;
- B. Compensatory damages awarding Plaintiff damages caused by Defendants' infringement of the '576 and '818 Patents;
- C. Enhancement of Plaintiff's damages by reason of the nature of Defendants' infringement pursuant to 35 U.S.C. § 284;
- D. For costs of suit and attorneys fees;
- E. For pre-judgment interest; and
- F. For such other relief as justice requires

Dated: December 3, 2007

Respectfully submitted,

By: 

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